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OFFICE OF PETITIONS

In re Patent of Kozuka et al.	:	DECISION ON REQUEST
Patent No. 7,578,313	:	FOR RECONSIDERATION OF
Issue Date: August 25, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/800,794	:	AND NOTICE OF INTENT TO
Filing Date: March 15, 2004	:	ISSUE CERTIFICATE OF
Atty. Docket No. 23697-0041001/NF-2623	:	CORRECTION

This is a decision on the petition filed on October 26, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by eight hundred eighty-three (883) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by eight hundred eighty-three (883) days is **GRANTED**.

The period of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") is 681 days and is not in dispute.

The petition asserts and establishes the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay") is 894 days.

The petition asserts and establishes the amount of overlap between A Delay and B Delay is 222 days.

As part of Patentees' duty of good faith and candor, the petition asserts and establishes the patent term adjustment should have included a reduction of 21 days under 37 C.F.R. § 1.704(c)(8) as a result of the interview summary filed May 8, 2009.

The patent term adjustment is 883 days which is the sum of 681 days of A Delay and 894 days of B Delay reduced by 222 days of overlap and reduced by 470 (449 + 21) days of Applicant delay.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **eight hundred eighty-three (883)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,578,313 B2

ISSUE DATE : August 25, 2009

DRAFT

INVENTOR(S) : Kozuka et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 445 days.

Delete the phrase "by 445 days" and insert - by 883 days--